

**Regular Session Minutes – Selectmen’s Meeting
Selectmen’s Meeting Room, Town Hall
Monday, March 2, 2015, 7:00 p.m.**

PRESENT: Margot R. Fleischman, Chair; William S. Moonan; Caroline Fedele;
Michael A. Rosenberg; Mark Siegenthaler and Town Manager
Richard T. Reed

ALSO PRESENT: Public Works Director Roy Sorenson; Fawn Lake Committee candidates Laura Bullock, John Zupkus, Jerry Skurla, Christopher Kovalchick, Bill Simons, Dan Churella, Linda Oustinow, Michael Barbehenn and Elizabeth Cowles; Historic District Commission Candidate Salvatore Canciello; Planning Board members Shawn Hanegan, Jeff Cohen and Amy Lloyd; Zoning Board of Appeals Members Carol Amick and Jeffrey Dearing; Joe Condon; Kim Walters; Diane Hughes; Lynn Harrison; Lisa Hafer; Virendar Kaushik;; Dan Brosgol; Suzanne Koller; John Cronin; Dave Venuti; Tom Engel; Ben Thomas, Finance Committee; Press Representative Joan Bowen; Brian Dorrington, Bedford TV; Administrative Assistant Colleen Doyle

Chair Fleischman called the meeting to order at 7:30 p.m.

15-208 Shawsheen Cemetery Preservation Restriction - Approval

Public Works Director Roy Sorenson explained that part of the grant that was received last year for the Shawsheen Cemetery requires a preservation restriction. The DPW has been working with consultant Ivan Meijer but work has been halted due to the snow. He expects the project to be completed by June 30, 2015.

Mr. Rosenberg moved that the Selectmen approve an agreement with the Massachusetts Historical Commission for the preservation restriction at Shawsheen Cemetery. Mr. Siegenthaler seconded the motion.

The motion passed 5-0-0.

15-209 Committee Appointment Interviews - Fawn Lake Committee

Laura Bullock, John Zupkus, Jerry Skurla, Christopher Kovalchick, Bill Simons, Dan Churella, Linda Oustinow, Michael Barbehenn and Elizabeth Cowles were present to be interviewed for the new ad hoc Fawn Lake Committee. Two additional candidates are expected to be interviewed at the March 16, 2015 Selectmen’s meeting.

Chair Fleischman explained that the charge of the newly formed committee would be to receive and analyze information from CI Consultants who conducted the study and provide recommendations based on that information. The position would be more analytical than the Friends of Fawn Lake group. The membership of the committee will consist of 4 at-large

members and a representative from the Selectmen, Historic Preservation Commission and Conservation Commission.

Chair Fleischman asked that each candidate explain their background and interest in serving on the ad hoc Fawn Lake Committee.

Ms. Cowles is involved with the Friends of Fawn Lake. She served on the Outdoor Recreation Area Study Committee and is a teacher. She is interested in Fawn Lake because of the diverse usage that it offers to all age groups. She also understands the financial constraints that need to be taken into account when picking an option.

Linda Oustinow works for a non-profit organization that works with developing countries to prepare and monitor budgets and implement judicial reform. She wants to get involved with her own town and thinks that Fawn Lake is an impressive resource for the Town and worth preserving.

Christopher Kovalchick stated that one of the main reasons for him moving to Bedford is because of the open space areas in Town and the commitment to maintaining those spaces. He is a mechanical engineer working in the medical devices industry. He is familiar with government regulations.

Daniel Churella is a 20 year resident of the Town and has never been involved in town government outside attending Town Meeting. He has volunteered for the Boy Scouts and other organizations. He has a PhD in chemistry and this committee seems suited to his interests and his expertise.

Bill Simons serves on the Friends of Fawn Lake and uses the lake for skating and fishing and runs on the trails surrounding the lake. Professionally, Mr. Simons is a hydrogeologist and has worked in contaminated areas where the soil needs to be dredged.

Jerry Skurla wants to get involved in Town government now that he has more time. He is a marketing executive who works with startup companies so he understands working with tight budgets.

Laura Bullock is a 25 year resident and is passionate about Fawn Lake. She would provide the citizen perspective by talking to residents and understanding what they want.

John Zupkus is an environmental scientist who specializes in water quality science. He was on the Conservation Commission for a number of years. He worked with Conservation Administrator Elizabeth Bagdonas on the budget for Fawn Lake when it was first hydorraked.

Michael Barbehenn is heavily involved in the outdoors as the chair of the Trails Committee and as a Land Steward. He is a computer scientist.

Ms. Fedele explained that the initial process of reviewing the information will be quick but that the committee could be active for years. She recommended that the candidates apply for other openings if they are not selected for this committee.

Mr. Siegenthaler asked the candidates what they would like to see as an end result for Fawn Lake. The candidates' answers included diversity of activities, compromise between conservation area and recreational area, sustainability, clearer water and attracting residents who do not live in the surrounding area.

Noting that many of the applicants were involved with the Friends of Fawn Lake, Chair Fleischman explained that the purpose of the ad hoc Fawn Lake Committee would differ in that it would not involve advocacy but would analyze the functions of the lake.

Chair Fleischman explained the Open Meeting Law, the Conflict of Interest Law, and the Rules of Civil Discourse to the candidates present. She also encouraged the candidates to consider taking on a leadership role as chair in the future.

The Selectmen expressed their appreciation to all candidates for applying. They were impressed with all the candidates.

15-210 Committee Appointment Interviews – Historic District Commission

Salvatore Canciello was interviewed for the vacant alternate position on the Historic District Commission. Mr. Moonan explained the charge of the HDC. The alternate position is a non-voting member who can still participate in the discussion. Alternates fill in as needed when a full member is absent from a meeting. Mr. Canciello is an architect working mainly on college campuses. He was attracted to the walking and historic nature of the Town.

The other candidate did not arrive for the interview.

Mr. Moonan moved to appoint Salvatore Canciello to the Historic District Commission as an alternate member for a term ending June 30, 2017. Mr. Rosenberg seconded the motion. The motion passed 5-0-0.

15-211 Alcohol Licenses Discussion

The Selectmen asked for public feedback about the Home Rule petition for 8 additional all alcohol licenses. If Town Meeting approves the petition, the legislature would determine how many licenses the Town would receive. From research, the number granted is generally less than what was requested. All 14 all-alcohol licenses allowed under the quota system are distributed. Some of the surrounding Towns have gone through the process of acquiring more licenses. The Town feels that with its daytime population being much higher than the nighttime population, it would be reasonable to ask for eight additional licenses. There are two overlay districts in Town that have the potential to be developed and having available all-alcohol licenses would encourage restaurants to come to Bedford. Planning Board chair Shawn Hanegan stated that the Planning Board unanimously supported trying to obtain additional licenses as it was consistent with the comprehensive plan's goal to increase restaurants in Town.

Residents expressed that they supported the process of obtaining more licenses as it would help attract more sit down restaurants where they could go with their family or with friends for a

drink after work. It was noted that many restaurants need a liquor license to succeed and it complements the business. Residents often have to go to Lexington or Burlington to get together with friends or for a fundraisers. Many Bedford organizations have to hold fundraisers outside of Town because there is not space available to accommodate such functions.

John Cronin from Ken's NY Deli explained that Ken's was interested in upgrading their wine and malt license to an all-alcohol license to support their restaurant expansion.

Zoning Board of Appeals (ZBA) member Carol Amick supports the Home Rule Petition but wants to maintain the small town character of Bedford. She wants the Town to be careful about the type of operation that comes into Bedford. She requested that the ZBA be allowed to act upon an application before the Selectmen vote to grant an alcohol license.

Planning Board member Amy Lloyd believes that the Town has good control over proposed restaurants and that careful consideration is given by multiple Town departments and boards.

It was noted that more restaurants in Town would generate more money for the Town through meals tax. Finance Committee member Ben Thomas added that \$327,000 was generated in meals tax in Fiscal Year 2014.

The timeline of obtaining more licenses depends on the legislative calendar. Representative Gordon understands that this is a priority for the Town.

15-212 ZBA Special Permit Application for Red Heat Tavern – Selectmen Discussion and Recommendation

The Zoning Board of Appeals (ZBA) will be discussing the special permit application for Red Heat Tavern at one of their next few meetings. The Planning Board gave their recommendation to the ZBA in favor of Red Heat Tavern. Chair Fleischman said the ZBA is concerned about the appropriateness of the restaurant in the proposed location.

Chair Fleischman noted that Red Heat Tavern provides the type of restaurant that residents are asking for in a walkable area.

Mr. Siegenthaler mentioned that the ZBA can place restraints on the noise levels. He added that the owners of Red Heat Tavern stated at their alcohol license hearing that they did not want to have a negative impact on the Town and were willing to work with the Town.

Ms. Fedele explained that she visited the Red Heat Tavern located in Wilmington and found that it offered many menu and seating options for residents at a reasonable price.

Mr. Rosenberg asked whether an application for a restaurant special permit has ever been denied. Planning Board member Jeff Cohen stated that a fish market was denied by the ZBA because of the potential smell. Mr. Cohen hopes that the ZBA will see that they can implement conditions that will make the restaurant compatible with Town goals.

Mr. Moonan expressed concern about the location of the restaurant and thought other locations would be better suited for Red Heat Tavern which he described as more of a sports bar.

Chair Fleischman stated that she felt it was unfair to the applicant to describe it as just a bar. Ms. Lloyd added that the decision needs to be based on the general needs of the population.

Mr. Cohen mentioned that the Planning Board received an amended site plan that shows outdoor seating and that the focus needs to be placed on it being a restaurant. He also requested that the ZBA reopen the public hearing so they can have more public input.

Chair Fleischman volunteered to write a memo on behalf of the Selectmen to the ZBA encouraging them to grant a special permit to Red Heat Tavern. She is concerned that the loss of this business could deter other potential businesses from coming to Bedford.

Mr. Rosenberg moved that Chair Fleischman to draft a memo to the Zoning Board of Appeals to articulate the Selectmen's vote in support of the special permit for Red Heat Tavern. Ms. Fedele seconded the motion.

The motion passed 4-1-0, Mr. Moonan voted against.

**15-213 Contract Award – Tennis Instruction Services – Kyle Anderson, dba
KA Tennis – 38 Putnam Road, Bedford**

Mr. Reed noted that KA Tennis was the only business to respond to the Request for Proposals. KA Tennis is the previous contractor with the Town and the Town is happy with his work. The price proposal was based on the unit price of \$17.00.

Mr. Siegenthaler moved to recommend approval of the contract between the Town of Bedford and K.A. Tennis to provide Tennis Instruction Services for a two year period commencing April 25, 2015 and ending April 24, 2017. Mr. Moonan seconded the motion.

The motion passed 5-0-0.

**15-214 2015 Annual Town Meeting - Article Recommendations
Article 9 - Additional Alcoholic Beverage Licenses
Article 18 - Operating Budgets - FY2016 - Article Assignments**

Article 9 – Additional Alcoholic Beverage Licenses

The Selectmen discussed whether they should request more than 8 licenses as was originally planned. Chair Fleischman stated that it may raise fewer red flags if 8 licenses were requested rather than asking for almost double the current quota. Mr. Siegenthaler agreed with Chair Fleischman and added that it may be difficult to defend the request for more than 8 licenses.

Mr. Siegenthaler recommended approval of Article 9 – Additional Alcoholic Beverage Licenses. Mr. Rosenberg seconded the motion.

Ms. Fleischman asked that Mr. Reed contact Town Counsel about removing the last sentence in Section 4 as it seems that the license would be restricted for use in that location in the future.

The motion was withdrawn.

Article 18 Operating Budgets

The Recreation Commission accepted the proposal to reduce their operating budget funding by \$54,000 for Teen Center wages and a portion of the Recreation Program Coordinator position and fund those wages out of the revolving fund.

The Schools budget is \$251,458 over the Finances Committee Guideline.

The Selectmen decided who would present each Article at Town Meeting.

**15-215 Miscellaneous Action Items
Chapter 268A, Section 20(b) Exemption – Timothy French – DPW Highway
Foreman to Baseball Coach
One Day Special Liquor License – Vocal Revolution at St. Michael's Parish
Hall – March 14, 2015**

Mr. Rosenberg moved that Selectmen approve the Chapter 268A, Section 20(b) exemption for Timothy French, Highway Foreman to Baseball Coach. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

Mr. Siegenthaler moved that the Selectmen approve the one day special liquor license for Vocal Revolution on March 14, 2015 at St. Michael's Parish. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

**15-216 Minutes
Regular Session – February 10, 2015 and February 17, 2015**

Mr. Moonan moved to approve the Regular Session minutes from February 10, 2015 as amended. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

Mr. Moonan moved to approve the Regular Session minutes from February 17, 2015 as amended. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

15-217 Town Manager's Report

Mr. Reed informed the Selectmen that the ABCC approved the change of Hours for the VFW and passed the new license around for the Selectmen to sign.

Mr. Reed reported that staff is working on the upcoming Fourth of July fireworks display. The Town is proposing that the fireworks be set off at the central municipal campus since they can no longer be set off from the VA. The Selectmen were in favor of this move and are glad that it is happening in the center of Town. The Fire Department is mapping out a good location to set the fireworks off.

15-218 Open Discussion and Selectmen Liaison Reports

Mr. Moonan reported that the Finance Committee granted the Assessors' request for more money in their operating budget to include a full-time staff person to enter in data that was lost. The Finance Committee also discussed the use of revolving funds and how the funds from those accounts should be used more regularly for projects or the department should provide a plan for those funds.

Mr. Moonan asked for a Selectman to cover the next Finance Committee and Chamber of Commerce meeting for him as he will be away.

Mr. Moonan attended the homelessness meeting at First Parish and was impressed with all that is done for the homeless.

Ms. Fedele distributed a plan detailing the plans for the funds in the Recreation Revolving Fund. Mr. Rosenberg suggested adding estimated revenue to the spreadsheet. Mr. Siegenthaler asked how fees are being set.

Mr. Rosenberg attended the most recent HATS meeting where Massport presented their future plans for Worcester Airport, Hanscom and future commercial developments.

Mr. Rosenberg inquired whether poll workers could be exempt from taking the State ethics test. Mr. Reed replied that the state allows the Selectmen to exempt certain positions. He will look at other similar positions so there will be one complete exemption process.

Chair Fleischman attended the MAGIC legislative breakfast. The group discussed the upcoming legislative session where the MBTA, regionalism, the Olympics and land use reform will be discussed.

Chair Fleischman reported that the Transportation Advisory Committee would be coming before the Selectmen in the near future to discuss a traffic calming policy. The TAC recently met with Police Chief Bongiorno concerning this issue.

Mr. Moonan moved to adjourn the meeting. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

The meeting adjourned at 10:25 p.m.